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COPY
APR 23 2009

MICHAEL K. JAMES, CLERK
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11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
12 IN AND FOR THE COUNTY OF MARICOPA

14 THE STATE OF ARIZONA ex rel. TERRY
15 GODDARD, the Attorney General, and THE
16 CIVIL RIGHTS DIVISION OF THE ARIZONA
DEPARTMENT OF LAW,

17 Plaintiff,

18 vs.
19

20 UNIQUE HAIR ARTISTRY, INC. d/b/a
21 TEAZZE SALON; and ANTHONY R.
22 ZACCHINI, in his official capacity as Officer
and Director of Unique Hair Artistry, Inc.,

23 Defendants.
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No.

CV2009-013069

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

(Nonclassified Civil)

1 Plaintiff, the State of Arizona ex rel. Terry Goddard, the Attorney General, and the
2 Civil Rights Division of the Arizona Department of Law (collectively the "State"), for its
3 Complaint, alleges as follows:

4 **INTRODUCTION**

5 This is an action brought under the Arizona Civil Rights Act to correct an unlawful
6 employment practice, to provide appropriate relief to an aggrieved person, and to vindicate the
7 public interest. Specifically, the State brings this matter to redress the injury sustained because
8 Defendant Unique Hair Salon, Inc.'s co-owner, Anthony R. Zacchini, engaged in unwelcome
9 sexual conduct toward Charging Party Kerri Duggan that was sufficiently pervasive or severe
10 to alter the terms and conditions of her employment and to compel her to resign her position in
11 violation of the Arizona Civil Rights Act, A.R.S. § 41-1463(B)(1).

12 **JURISDICTION AND VENUE**

- 13 1. This Court has jurisdiction of this matter pursuant to A.R.S. § 41-1481(D).
- 14 2. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401(17).

15 **PARTIES**

16 3. The Civil Rights Division of the Arizona Department of Law is an administrative
17 agency established by A.R.S. § 41-1401 to enforce the provisions of the Arizona Civil Rights
18 Act, A.R.S. § 41-1401 *et seq.*

19 4. The State brings this action on its own behalf and on behalf of Kerri Duggan
20 ("Duggan"), an aggrieved person, as provided by A.R.S. §§ 41-1481(D) and (G).

21 5. At all relevant times, Defendant Unique Hair Artistry, Inc. d/b/a Teazze Salon
22 ("UHA") was an Arizona corporation authorized to do, and doing, business in Maricopa
23 County, Arizona. UHA provided retail products and services, including haircuts, hair
24 coloring, nail care, body waxing and various spa treatments at its place of business located at
25 15576 N. Pima Road, Scottsdale, Arizona 85032.

6. At all relevant times, Anthony R. Zacchini ("Zacchini") was an owner, officer and director of UHA. Zacchini also was responsible for overseeing UHA's business operations and personnel matters.

7. At all relevant times, UHA was an employer within the meaning of A.R.S. § 41-1461(4)(a).

8. Duggan was an employee of UHA within the meaning of A.R.S. § 41-1461(3)(a).

9. The State is informed and believes and therefore alleges that UHA was legally responsible for the acts or omissions giving rise to this cause of action and legally and proximately responsible for damages as alleged pursuant to A.R.S. § 41-1481(G).

BACKGROUND

10. Duggan began working for UHA as a hair stylist on or about October 15, 2007. Duggan did not have an established clientele but instead relied on walk-ins to Defendants' business for her clients. UHA determined which walk-in clients Duggan would receive and all payments for services rendered were made directly to UHA, not to Duggan.

11. Duggan did not lease a chair from UHA but was instead provided with a work station at no cost and required to work a schedule established by UHA. Although Duggan used some of her own tools, UHA provided Duggan with many of the tools and pieces of equipment necessary to perform her job duties.

12. On or about February 11, 2008, Duggan went on maternity leave. Just before Duggan went on leave, Zacchini told her he wanted to put his hands all over her breasts.

13. After Duggan returned from maternity leave on or about March 24, 2008, Zacchini repeatedly and frequently made comments to Duggan and her co-workers about the size of Duggans' breasts and how he would like to put his hands all over them or what he would like to do to Duggan. Duggan told Zacchini to stop and that his comments were not funny.

1 14. After Duggan's return from maternity leave, Zacchini commented to one of
2 Duggan's co-workers about wanting to get some of Duggan's breast milk for his coffee. This
3 co-worker reported Zacchini's comment to Duggan.

4 15. At least one of Duggan's co-workers felt compelled to resign her employment
5 because of unwelcome comments of a sexual nature that Zacchini made to her.

6 16. On or about April 18, 2008, Duggan was having her hair straightened by another
7 hair stylist and, because no one else was available, Zacchini stepped in to wash her hair.
8 While Duggan was seated having her hair washed, Zacchini grabbed her hair, lifted her head,
9 and while looking at her face said: "Do you fucking like that?" Duggan jumped from the chair
10 and told Zacchini his comment was not funny.

11 17. As a result of Zacchini's conduct, Duggan was exposed to a hostile work
12 environment that changed the terms and conditions of her employment based on sex. Duggan
13 suffered extreme anxiety and emotional and physical distress, and felt compelled to resign her
14 employment with UHA.

15 18. Duggan was constructively discharged from UHA on or about April 18, 2008.

16 19. On or about May 22, 2008, Duggan filed a timely charge of discrimination on the
17 basis of sex, and the Civil Rights Division commenced an investigation of the charge.

18 20. At the conclusion of the investigation, the Civil Right's Division determined that
19 there was reasonable cause to believe that Defendant discriminated against Duggan because of
20 her sex by creating a hostile work environment so severe that Duggan felt compelled to resign
21 her position.

22 21. The Civil Rights Division issued its Cause Finding on March 24, 2009, and since
23 that time, the Division, Duggan and Defendants have not entered into a Conciliation
24 Agreement. The parties having thus exhausted their administrative remedies, the State is
25 authorized to file this Complaint pursuant to A.R.S. § 14-1481(D).
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23. Under A.R.S. § 41-1463(B)(1), it is an unlawful employment practice for an employer to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of sex.

25. As a result of Defendant's discrimination and Plaintiff's constructive discharge, Duggan suffered monetary damages for which she should be compensated in an amount to be determined at trial pursuant to A.R.S. § 41-1481(G).

PRAYER FOR RELIEF

A. Enter judgment on behalf of the State, finding that Defendants unlawfully discriminated against Duggan because of her sex, in violation of the Arizona Civil Rights Act.

C. Enjoin Zacchini from engaging in any employment practice, including sexual harassment of employees, that discriminates in violation of the Arizona Civil Rights Act.

1 D. Order UHA to make Duggan whole and award Duggan back wages calculated
2 from the date of her constructive termination on or about April 18, 2008 in amounts to be
3 determined at trial.

4 E. Order UHA, its successors, assigns and all persons in active concert or
5 participation with UHA, to create and enforce policies, practices and programs that provide
6 equal employment opportunities for all its employees, and that eradicate the effects of its
7 present unlawful employment practices, including but not limited to, policy changes and
8 training.

9 F. Order UHA, its successors, assigns and all persons in active concert or
10 participation with UHA, to adopt and enforce an equal opportunity in employment policy that
11 prohibits sexual harassment and that includes a procedure for reporting and investigating
12 allegations of sexual harassment as well as for sanctioning substantiated allegations of sexual
13 harassment.

14 G. Issue an Order authorizing the State to monitor Defendants' compliance with the
15 Arizona Civil Rights Act and order UHA, its successors, assigns and all persons in active
16 concert or participation with UHA, to pay the State a reasonable amount for such monitoring.

17 H. Award the State its taxable costs incurred in bringing this action.

18 I. Grant such other and further relief as this Court may deem just and proper in the
19 public interest.

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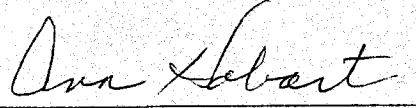
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1 Dated this 23rd day of April, 2009.

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3 TERRY GODDARD
Attorney General

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5 By 

6 Sandra R. Kane
7 Ann Hobart
8 Assistant Attorneys General
9 Civil Rights Division
10 Attorneys for Plaintiff

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